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PUNJAB VIDHAN SABHA SECRETARIAT

NOTIFICATION

The 9th November, 2021

No. 33-PLA-2021/66.- The Punjab Affiliated Colleges (Security Of Service) Amendment Bill, 2021 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No.33-PLA-2021

THE PUNJAB AFFILIATED COLLEGES (SECURITY OF SERVICE) AMENDMENT BILL, 2021

A

BILL

further to amend the Punjab Affiliated Colleges (Security of Service) Act, 1974.

BE it enacted by the Legislature of the State of Punjab in the Seventy-second Year of the Republic of India, as follows:-

1. (1) This Act may be called the Punjab Affiliated Colleges (Security of Service) Amendment Act, 2021.

Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

Amendment in
section 2 of
Punjab Act 23
of 1974.

2. In the Punjab Affiliated Colleges (Security of Service) Act, 1974 (hereinafter referred to as the principal Act), in section 2,-

- (i) in clause (e), at the end, the word "and" shall be omitted; and
- (ii) in clause (f), at the end, for the figure and sign "1979.", the figure, sign and word "1979; and" shall be substituted and thereafter, the following clauses shall be added, namely:-

"(g) "Administrator" means the officer appointed by the Administrative Secretary to Government of Punjab, Department of Higher Education to manage the affairs of the affiliated college; and

(h) "mismanagement" means managing the affairs in a way which leads to violation(s) of the regulations of the University Grants Commission or its successor regulatory body or bodies, as adopted by the State Government, or of the regulations prescribed by the concerned University or of the grant-in-aid scheme or any other law or the directions of the State Government and includes,-

- (i) failure to comply with the conditions of affiliation laid down by the University; or
- (ii) misappropriation or misapplication of grants or funds received from the State Government, Government of India or through any of its instrumentalities or students; or
- (iii) failure to take appropriate action under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (Central Act No. 14 of 2013), despite having been called upon to do so or failure to take appropriate steps for the protection of the victim under the said Act; or
- (iv) taking pecuniary benefits by the members of the Managing Committee; or
- (v) taking actions which may defeat the national agenda of inclusive education; or
- (vi) violation of any other law applicable to the affiliated college."

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| <p>3. In the principal Act, in section 6,-</p> <p>(a) in clause (ii), for the sign ";", the sign and word "; and" shall be substituted;</p> <p>(b) in clause (iii), for the words and sign "charge; and", the word and sign "charge." shall be substituted; and</p> <p>(c) clause (iv) shall be omitted.</p> | <p>Amendment in section 6 of Punjab Act 23 of 1974.</p> |
| <p>4. In the principal Act, in section 7-A,-</p> <p>(i) for sub-section (3), the following sub-section shall be substituted, namely:-</p> <p>"(3) The Chairman of an Educational Tribunal, shall be appointed by the State Government in consultation with the Chief Justice of the Punjab and Haryana High Court. The members of an Educational Tribunal shall be appointed by the State Government."; and</p> <p>(ii) after sub-section (13), the following sub-section shall be added, namely:-</p> <p>"(14) Every order made by the Tribunal shall be enforced by it in the same manner as if it were a decree made by the court in a suit before it, and the provisions of Order XXI of the First Schedule to the Code of Civil Procedure, 1908, shall apply.".</p> | <p>Amendment in section 7-A of Punjab Act 23 of 1974.</p> |
| <p>5. In the principal Act, after section 7-B, the following section shall be inserted, namely:-</p> <p>"7-C. The Administrative Secretary to Government of Punjab, Suspension of Managing Committee.</p> <p>Department of Higher Education may,-</p> <p>(i) on the recommendation of the University to which the college is affiliated; or</p> <p>(ii) on being satisfied that a case of mismanagement is made out against the affiliated college,</p> <p>after reasons to be recorded in writing, suspend the Managing Committee of such affiliated college for one year in the first instance, and appoint an Administrator:</p> <p>Provided that the tenure of suspension may be extended by one year at a time."</p> | <p>Insertion of new section in Punjab Act 23 of 1974.</p> |

STATEMENT OF OBJECTS AND REASONS

The Punjab Affiliated Colleges (Security of Service), Act 1974 was enacted by the State Government with the objective to provide security of service to the employees of the government aided private colleges. The object of the present amendment is to further widen the scope of the Act by bringing into its ambit the employees working on aided posts and also the unaided posts and recruited by the managements.

Further, provisions are being made to empower the state government against the management diverting funds mis-managing the affairs of the institutions.

Further, the Government needs to have powers in the appointment of the members of the Education Tribunal, as such it intends to amend the Act so that there is a no delay in the appointment of the members to the Tribunal.

Also, amendment is required to be made to empower the state government to give relief to the employees and officers appointed in these institutions against suspension and other disciplinary actions.

PARGAT SINGH,

Higher Education & Languages Minister, Punjab.

CHANDIGARH
THE 9TH NOVEMBER, 2021

SURINDER PAL,
SECRETARY.